

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

KERRY A. FARLEY, MATTHEW T. FARLEY,)	
M.A.F., and N.J.F.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:20-cv-01249
)	(CMH/IDD)
FAIRFAX COUNTY SCHOOL BOARD,)	
)	
Defendant.)	

DEFENDANT FAIRFAX COUNTY SCHOOL BOARD’S MOTION TO DISMISS

COMES NOW Defendant Fairfax County School Board (the “School Board”), by counsel, and, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Court to dismiss the First Amended Complaint (ECF Docs. 35, 41) filed against it by Kerry A. Farley, Matthew T. Farley, Miley A. Farley, and Nolan J. Farley, on the grounds that the entire First Amended Complaint fails to state any claims upon which relief may be granted. In support of its motion, the School Board incorporates by references its Memorandum in Support of Motion to Dismiss.

WHEREFORE, Defendant Fairfax County School Board requests that this Court dismiss the First Amended Complaint filed against it by Kerry A. Farley, Matthew T. Farley, Miley A. Farley, and Nolan J. Farley with prejudice, and award it any such further relief as this Court deems appropriate.

ROSEBORO v. GARRISON WARNING

Consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Fairfax County School Board provides the following warning to *pro se* Plaintiffs:¹

(1) You are entitled to file a response opposing this Motion to Dismiss. A response must be filed within twenty-one (21) days of the date on which this Motion to Dismiss was filed;

(2) The Court could dismiss your case based on the Fairfax County School Board's papers if you do not file a response;

(3) You must identify all facts stated by the Fairfax County School Board with which you disagree and set forth your version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate signed under penalty of perjury); and

(4) You are also entitled to file a legal brief in opposition to the brief filed by the Fairfax County School Board.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD
By Counsel

Date: September 11, 2023

¹ The School Board includes this warning due to the circumstances identified in its Motion to Strike (ECF Doc. 37), and Plaintiffs' *pro se* adoption of the First Amended Complaint. (ECF Doc. 41-1.)

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September 2023, I will email and mail the document by U.S. Mail to the following non-filing user:

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I further certify that on this 11th day of September 2023, I will mail the document by U.S. Mail to the following non-filing users:

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